

LOUISIANA BOARD OF ETHICS

IN THE MATTER OF

*

DOCKET NO. 2014-762

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MICHAEL COUVILLON

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CONSENT ORDER

The Louisiana Board of Ethics (the "Board"), pursuant to the authority contained in La. R.S. 42:1141, conducted a confidential investigation concerning Michael Couvillon:

1.

Michael Couvillon is the current Sheriff of Vermilion Parish and has served in that capacity since July 1, 2004.

2.

On November 4, 2013, foreclosure proceedings were instituted against Michelle McNabb on her house in Abbeville with the filing of a Petition for Executory Process by Standard Mortgage Corporation in the 15th Judicial District. The house in question was located at 16529 West LA Highway 335 in Abbeville, which is next door to Sheriff Couvillon's brother's house.

3.

An order for the requested "writ of seizure and sale issue" was signed by Judge Herman Clause of the 15th Judicial District Court on November 8, 2013. The writ itself was issued to the Vermilion Parish Sheriff's Office four days later.

4.

Ms. McNabb's home was "seized" by Vermilion Parish Sheriff's deputies on November 18, 2013. The Notice of Seizure, issued under Sheriff Couvillon's authority, but handled by his civil

department without input from Sheriff Couvillon, set a tentative date of February 5, 2014 for the property's auction at a Sheriff's Sale.

5.

On January 10, 2014, attorneys for Standard Mortgage Corporation, which held the note on the home, estimated that "the total amount necessary to satisfy the loan," including principal balance, interest, and attorneys' fees, was \$59,108.56.

6.

The auction for Ms. McNabb's foreclosed home was advertised in the *Abbeville Meridional* newspaper twice, on January 2 and 30, 2014.

7.

The Vermilion Parish Sheriff's Sale was held as scheduled on February 5, 2014, in the Vermilion Parish Courthouse. Present at the February 5th sale, were Chad Edwards who acted as Standard Mortgage Corporation's representative, and Bart Ballaire, who acted as Sheriff Couvillon's representative.

8.

Only Sheriff Couvillon and Standard Mortgage Corporation bid on the property.

9.

Mr. Ballaire, on behalf of Sheriff Couvillon, submitted the winning bid of \$58,000 on the McNabb residence.

10.

The *proces verbal* filed on behalf of Sheriff Couvillon on February 5, 2014, reads as follows:

And after having read the advertisement containing the description of said property, the terms and conditions of sale, and the chattel mortgage certificate from the Dept. of Public Safety...and/or the mortgage certificate from the Clerk and Recorder of Mortgages for the Parish of Vermilion, annexed hereto, I did then proceed to cry the said property at public auction, at which time and place *BART BELLAIRE* on behalf of

MICHAEL COUVILLON
6744 STEAMBOAT
MAURICE, LA 70555

did bid 58,000.00 for the said property above described, and said bid being the last and highest bid made for the said property, I did adjudicate the said property for the price and sum of 58,000.00 to the said MICHAEL COUVILLON 6744 STEAMBOAT MAURICE, LA 70555....

...I, the said Michael A. Couvillon, Sheriff aforesaid, do by these presents, sell, convey, set over, transfer and deliver the said property above described unto the said

MICHAEL COUVILLON
6744 STEAMBOAT
MAURICE, LA 70555

11.

If called to testify, Sheriff Couvillon would argue that a judicial sale is a routine and mechanical transaction. Sheriff Couvillon would also argue that the Vermilion Parish Sheriff's Office had no direct interest in the Judicial Sale and that such sale is under the supervision and jurisdiction of the district court.

12.

If called to testify, Sheriff Couvillon would state that he did not *personally* participate in the Judicial Sale conducted by the Vermilion Parish Sheriff's Office.

13.

If called to testify, Sheriff Couvillon would state that he obtained advice from his attorney prior to the Judicial Sale advising that his purchase of the property at a Judicial Sale conducted by his office would not violate the Code of Governmental Ethics and that he did not intentionally violate the Code of Governmental Ethics. Further, Sheriff Couvillon agrees that he will not bid nor purchase property from a judicial sale administered and conducted by the Vermilion Parish Sheriff's Office while he serves as the Vermilion Parish Sheriff.

14.

La. R.S. 42:1113A provides with respect to prohibited transactions:

A. No public servant, member his immediate family or legal entity in which he has a controlling interest, shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1112A provides with respect to prohibited participation:

A. No public servant shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

15.

La. R.S. 42:1153 provides with respect to penalties:

B. Upon finding that any public employee or other person has violated any provision of any law within the jurisdiction of the board . . . , the board by a majority vote of the membership, may remove, suspend, or order a reduction in pay, or demotion of the public employee or other person, or impose a fine of not more than ten thousand dollars, or both.

La. R.S. 42:1155 provides with respect to penalties:

A. If an investigation pursuant to R.S. 42:1141 reveals that any public servant or other person has violated any law within the jurisdiction of the board to his economic advantage, the board may order the payment of penalties. Recovery may include, in addition to an amount equal to such economic

advantage, penalties not to exceed one half of the amount of the economic advantage. . .

16.

If called to testify, Sheriff Michael Couvillon would stated that he enters into this Consent Order to resolve all the charges brought by the Louisiana Board of Ethics against Sheriff Michael Couvillon on July 16, 2015 in the matter under Docket No. 2014-762 and to avoid the uncertainties and high cost of attorney's fees in litigating this matter.

17.

As evidenced by his signature below, Michael Couvillon knowingly and of his own free will (a) does not contest that the violations are factually supported by stated facts herein; (b) does not contest that he violated La. R.S. 42:1113A and La. R.S. 42:1112A; (c) acknowledges that upon his signature being affixed to this consent decree, this document will be available to the public as a public record; (d) agrees that this order and decree is final, waives his right of appeal or to otherwise seek a return of the payment of the penalty; and (e) agrees to pay the penalty assessed herein and otherwise to comply with any other term or condition in the following order and decree.

ORDER

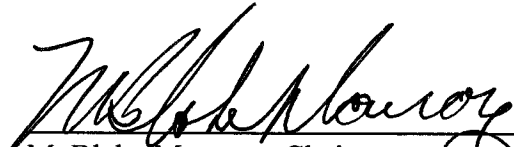
FOR THE FOREGOING REASONS:

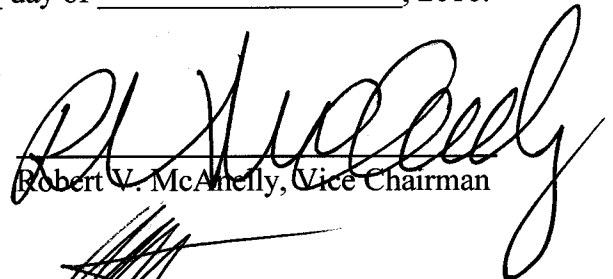
IT IS ORDERED that Michael Couvillon, in his capacity as the Sheriff of Vermilion Parish, violated **La. R.S. 42:1113A** of the Code of Governmental Ethics by virtue of his entering into a transaction under the supervision or jurisdiction of the Vermilion Parish Sheriff's Office, to purchase a foreclosed home, located at 16529 West LA Highway 335 in Abbeville, Louisiana, at a Sheriff's Sale conducted and supervised by the Vermilion Parish Sheriff's Office.

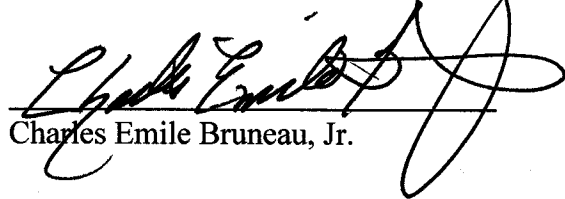
IT IS ORDERED that Michael Couvillon, in his capacity as the Sheriff of Vermilion Parish, violated **La. R.S. 42:1112A** of the Code of Governmental Ethics by participating in the seizure and sale by the Vermilion Parish Sheriff's Office of the foreclosed home, located at 16529 West LA Highway 335 in Abbeville, Louisiana, in which he had a personal substantial economic interest.

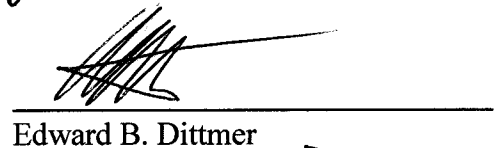
IT IS FURTHER ORDERED that a civil penalty of \$2,500, payable in three (3) equal, consecutive monthly installments of \$833.33 (third installment to be \$833.34), with the first payment due on or before the 15th day of the month following the publication of this Consent Order, to the Treasurer of the State of Louisiana, is hereby assessed upon Michael Couvillon and that in the event of a failure to pay, the Board may file suit to compel immediate payment of any balance due.

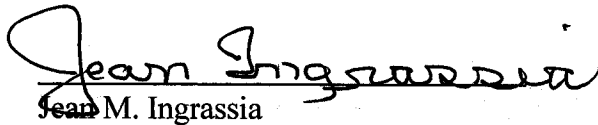
BY ORDER OF THE BOARD, this 16th day of December, 2016.

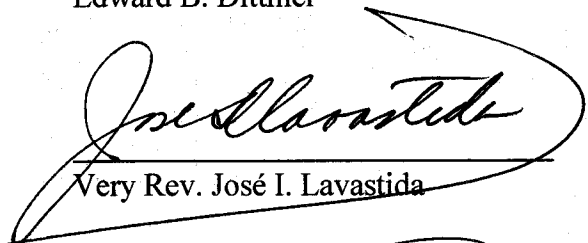

M. Blake Monroe, Chairman

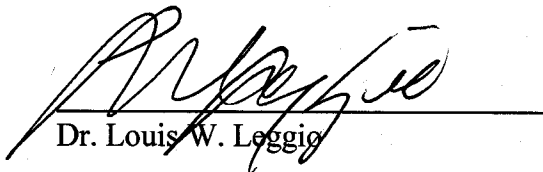

Robert V. McAnelly, Vice Chairman

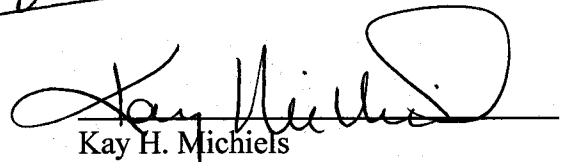

Charles Emile Bruneau, Jr.


Edward B. Dittmer

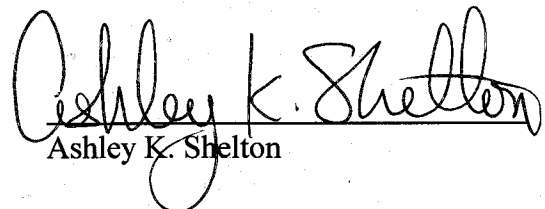

Jean M. Ingrassia

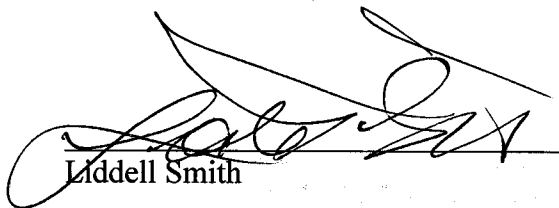

Very Rev. José I. Lavastida


Dr. Louis W. Leggio


Kay H. Michiels

Absent - Did Not Participate
C. Wade Shaddock, Jr.


Ashley K. Shelton


Liddell Smith

APPROVED AND AGREED AS TO FORM AND CONTENT:

BEFORE ME, the undersigned Notary Public, in the Parish of Lafayette, State of Louisiana, personally came and appeared Michael Couvillon, who executed this document in the presence of the undersigned competent witnesses, after a due reading of the whole, this 3rd day of November, 2016.

WITNESSES:

Pamela Breaux
Printed Name: Pamela Breaux

Jeanette Guillotte
Printed Name: Jeanette Guillotte

By: Michael Couvillon
Michael Couvillon

Stephen J. Oats
Notary Public
Printed Name: _____
Notary Public No. or Bar Roll No. _____
Commission expires _____

